

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

PATRICK CHARLES BURBANK

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Case No.: 2:05cr299-LSC

**UNOPPOSED MOTION TO EXTEND
CONSENT/CHANGE OF PLEA DEADLINE**

COMES NOW the Defendant, Patrick Charles Burbank, by and through undersigned counsel, Jennifer A. Hart, and moves this Court for an order extending the consent docket/change of plea deadline until February 8, 2006. In support of this motion, the Defendant would show:

1. Patrick Burbank is scheduled to go to trial on February 13, 2006 on a three-count Indictment involving charges of sexual exploitation of a minor and possession of child pornography.
2. This case will not go to trial but will be resolved by a plea agreement.
3. The deadline for the Court to accept plea agreements filed in accordance with *Federal Rule of Criminal Procedure* 11(c)(1)(C) is Monday, February 6, 2006.
4. The parties had reached a plea agreement in this case which has been submitted to the Court. However, upon further review, the parties discovered that they had made a miscalculation in the appropriate advisory Sentencing Guideline range applicable in this case. The plea agreement reviewed by Mr. Burbank contained this incorrect guideline calculation.
5. Mr. Burbank has been advised of the miscalculation and the parties still desire to resolve this case by submitting a revised 11(c)(1)(C) plea to the Court as soon as such agreement can be reached and reviewed by Mr. Burbank.

6. Therefore, the Defendant requests that the change of plea deadline be extended to Wednesday of next week to allow the parties time to correct the mistake in the plea agreement and to allow the Defendant adequate time to review it with counsel.

7. The Government, through Assistant United States Attorney Susan Redmond, does not oppose this Motion.

WHEREFORE, for the foregoing reasons, Patrick Burbank respectfully requests that the consent docket be extended to Wednesday, February 8, 2006, or any other date before the trial term, so that he may enter into an *Rule* 11(c)(1)(C) plea agreement with the Government.

Dated this 3rd day of February, 2006.

Respectfully submitted,

s/Jennifer A. Hart
JENNIFER A. HART
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Susan R. Redmond, Esq.
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/Jennifer A. Hart
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